IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 21809 of 2004

Between:

G. Babu Rao S/o. Mogan,
R/o. 1-4-881/4, New Bakaram, Gandhinagar, HJyderabad.

..... PETITIONER

AND

1 The Commissioner, Municipal Corporation of Hyd, tank Bund, Hyderabad.
(Dy. Commissioner, Circle,-III)
2 Smt. H. Bagyamma, W/o. Late Ram Reddy,
H.No. 1-4-880/4, New Bakaram, Gandhinagar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in not initiating any action against the 2nd respondent to prevent/demolish the illegal construction by encroaching 30 wide road on the Eastern side in pursuance of complaints made by the petitioner and others dt. 29.3.2004, 19.11.2004 as illegal, arbitrary, in violation of Building Regulations under M.C.H. Act against the principles of natural justice consequently direct the 1st respondent to demolish the illegal structure that have been constructing by the 2nd respondent by encroaching about 10 width of Eastern side of 30 Road existing in between the petitioner and the 2nd respondents property i.e., H.No. 1-4-881/4, 1-4-880/4 and 1-4-880/2/46/129, at New Bakaram, Gandhinagar, Hyderabad and pass.

Counsel for the Petitioner: MR.J.CH.Y.NARASIMHAM

Counsel for the Respondent No.1: MR.G.RAMA RAO

The Court at the admission stage made the following :

THE HONOURABLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO.21809 2004

ORDER:

Heard the learned counsel for the petitioner and the learned Standing counsel for respondent No.1 Municipal Corporation of Hyderabad. Both the counsel agreed for disposal of the writ petition at the stage of admission.

It is the grievance of the petitioner that though he made several representations including one on 19.11.2004 to the first respondent complaining that the second respondent is making construction by encroaching the 30 feet wide road on the eastern side, no action has been taken thereon by the first respondent till date.

Having regard to the facts and circumstances of the case the writ petition is disposed of directing the first respondent to consider and dispose of the representation dated 19.11.2004 made by the petitioner, after issuing notice to second respondent, within a period of four weeks from the date of receipt of a copy of this order. No costs.

29.11.2004.

mdaa/ksr.

Copy to:

1 The Commissioner, Municipal Corporation of Hyd, tank Bund, Hyderabad.
(Dy. Commissioner, Circle,-III)

2. Two C.D.copies.